

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:15-CR-70-D
No. 4:20-CV-3-D

LARONE F. ELIJAH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

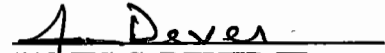
ORDER

On August 25, 2020, the court denied petitioner's motion under 28 U.S.C. § 2255. See [D.E. 158]. Petitioner appealed. See [D.E. 160]. On August 20, 2021, the United States Court of Appeals for the Fourth Circuit declined to issue a certificate of appealability concerning petitioner's section 2255 motion. See [D.E. 174].

On August 31, 2021, petitioner moved for relief under Federal Rule of Civil Procedure 60(b) and raised new claims. See [D.E. 176]. Petitioner did not receive authorization from the Fourth Circuit to file the motion for relief. Accordingly, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); In re Thomas, 988 F.3d 783, 787–92 (4th Cir. 2021); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003), abrogated in part by United States v. McRae, 793 F.3d 392 (4th Cir. 2015). Alternatively, even if the court has jurisdiction, the court DENIES as meritless petitioner's motion. The court also DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Thus, the court DISMISSES the motion [D.E. 176] and DENIES a certificate of appealability.

SO ORDERED. This 27 day of September, 2021.


JAMES C. DEVER III
United States District Judge